

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.1293 of 2001

Dated: 03.10.2007

Between:

K. Venkateswara Rao.

.. Petitioner

And

The State of Andhra Pradesh,
Rep. by the Secretary, Irrigation Department,
Secretariat, Hyderabad
and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER;

The petitioner filed this writ petition seeking a writ of Mandamus directing the respondent not to change the nature of Nandi Raju Tank nor make any alienation nor permit any encroachment in the said Tank, which is situated in Ac.1.37 cents in Survey No.108, Pedavutapalli village, Unguturu Mandal, Krishna District and to pass such other suitable order.

2. The case of the petitioner is that he is an agriculturist owning the land in an extent of Acs.7.00 in Pedavutapalli village, Unguturu Mandal, Krishna District and he has been raising double crop of paddy in his lands. He further stated that there are similarly placed agriculturists like him in the said village wherein the land in an extent of Acs.100.00 is being cultivated as double crop of paddy. He also stated that in the midst of these 100 acres of land, a tank named as "Nandi Raju Tank" is situated in an extent of Ac.1.37 cents in Survey No. 108 of the said village and they have been using the water of this tank for irrigation purpose and also drinking water purposes.

The grievance of the petitioner is that the respondents are trying to change the nature of the said tank, despite the fact that there are very clear orders/instructions of the Government not to change the tanks and preserve water of all the tanks for agricultural purposes and drinking water purposes.

3. Though notices are served on the respondents, they have not chosen to file any counter.

4. Heard both the counsel.

5. It is brought to the notice of this Court that the Government issued Memorandum No.865/M1/83-3, dated 19.08.1983, reiterating its earlier stand that the Government is committed to the object of preservation of all tanks for agricultural purposes and drinking water purposes. Similarly, G.O.Ms.No.157, dated 13.02.1987, was issued saying that the tank bed lands shall not be alienated by way of any existing lease or fresh lease. The said instructions in the said G.O. are reiterated again by the office of the Commissioner of Land Revenue in CLR's Ref.No.82/4219/97, dated 12.01.1988. All these clearly indicate that the intention of the Government is only to preserve the tanks as they are for the purposes of drinking water and irrigation.

Hence, for the aforementioned reasons, the respondents are hereby directed not to change the nature of the said tank by name "Nandi Raju Tank" situated in an extent of Ac.1.37 cents in Survey No.108 of Pedavutapalli village, Unguturu Mandal, Krishna District nor make any alienation nor permit any encroachment in the said Tank.

6. Accordingly, the writ petition is allowed. No order as to costs.

(GOPALA KRISHNA TAMADA,J)

Dt.03.10.2007

v v